

IN THE MATTER OF THE  
THE APPLICATION OF  
EAGAN ENTERPRISES, INC.  
FOR A SPECIAL HEARING, SPECIAL  
EXCEPTION AND VARIANCE ON  
PROPERTY LOCATED ON THE WEST  
SIDE YORK ROAD, 320' SOUTH OF  
CENTERLINE OF STODDARD COURT  
(14828 YORK ROAD)  
9TH ELECTION DISTRICT  
3RD COUNCILMANIC DISTRICT

OPINION

These appeals have been filed with this Board by Eagan Enterprises, Inc., and Paul A. Hupfer regarding the decision of the Baltimore County Zoning Commissioner dated June 14, 1991 pursuant to Petitions for Variance, Special Exception and Special Hearing filed by Eagan Enterprises, Inc. The Greater Sparks-Glencoe Community Council through Paul A. Hupfer, appeared at the hearing before the Zoning Commissioner to voice general support for the relief requested, predicated upon certain conditions and restrictions.

Eagan Enterprises, Inc. ("Eagan") is the owner of Lot 14 as shown on the Record Plat for the subdivision known as "Stoddard," which plat is recorded among the Land Records of Baltimore County in Plat Book No. 60 at page 29 ("Property"). The Greater Sparks-Glencoe Community Council ("Community") is an association of community councils representing citizens of northern Baltimore County, including those in the area of the subject Property. The Property is currently zoned R.C. 4.

The CRG Plan was approved for the Stoddard development on August 25, 1988. A Final Development Plan (FDP) was approved for Stoddard on March 2, 1989.

Case No. 91-325-SPHXA Eagan Enterprises, Inc.

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The Property is approximately 5.0 acres in size. Eagan proposes to remove 1.0 acre, more or less, immediately around the historic structure, from the overall Stoddard FDP acreage and to use the said 1.0 acre and the existing historic structure as an Antique Shop. Said 1.0 acre is identified as Parcel "A" on Appellant Eagan's Exhibit No. 1 in these proceedings.

An antique shop is permitted in a R.C. 4 zone by Special Exception, pursuant to BCZR Section 402.B, provided the antique shop is located on a minimum of 1.0 acre. Eagan sought by properly filed Zoning Petitions to remove 1.0 acre from Lot 14 and from the overall density calculations as shown on the Stoddard FDP, and to use the existing historic structure and 1.0 acre for the requested antique shop. Any subsequent use of Parcel "A" shall require modification of this Order and shall comply with all applicable Baltimore County law and regulations.

The testimony shows that the existing historic structure was a dwelling built by Quakers who settled in Northern Baltimore County. Testimony showed that the proposed antique shop met the requirement of BCZR 402.B and that the antique shop use can be conducted without detriment to the neighborhood or adversely affecting the public interest, and within the standards and requirements of BCZR 502.1. The Zoning Commissioner found that the proposed antique shop use would not have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone; this Board has also made such a finding.

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The Community appeared before the Zoning Commissioner to ensure that the concerns that they had raised were addressed. Particular concern of the Community centered around restoration of the existing structure on the Property and that the subject structure be added to the Final Landmarks List. Additional concerns were raised regarding the proposed parking surface and the required parking spaces, as well as the widening of York Road.

This Board has considered the taped proceedings before the Zoning Commissioner, the comments of all governmental agencies, as revised, together with all demonstrative evidence presented at the Zoning Commissioner's hearing. Eagan and the Community have met and negotiated to reach agreement on the conditions and restrictions which should be placed on the relief requested by Eagan and the proposed use of the existing structure.

The parties have advised this Board that they have successfully reached an Agreement, which they have reduced to writing in the form of a Restrictive Covenant Agreement dated August 27, 1991. All parties to this case have requested this Board to adopt and incorporate the provisions of the Restrictive Covenant Agreement dated August 27, 1991 between the parties into the Final Order of this Board.

Every case creates its own unique set of facts and circumstances, and this Order is narrowly tailored to address the facts and circumstances arising out of the particular use proposed at the subject location. The parties hereto have requested that the decision of the Zoning Commissioner be affirmed, subject to the

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addition of specified conditions. Further, the existing structure reflects a portion of our history and should be preserved and renovated as proposed by the parties hereto.

In view of the above, this Board should afford every benefit and legal use requested for the subject Property insofar as the relief is consistent with the BCZR.

It is clear that the Special Exception for an antique shop granted by the Zoning Commissioner should be subject to the conditions as agreed to by Eagan and the Community.

This Board has considered the Restrictive Covenant Agreement together with the evidence of the hearing before the Zoning Commissioner.

Pursuant to the advertising, posting of the Property, and public hearing on Petitions held, the relief requested by Eagan regarding the existing structure shall be granted as more particularly described below.

ORDER

THEREFORE, IT IS this 20th day of September, 1991 by the County Board of Appeals of Baltimore County ORDERED that the Order of the Zoning Commissioner for Baltimore County, dated June 14, 1991, is hereby AFFIRMED, subject however to the following conditions and restrictions:

1. Eagan shall comply with the revised comments of the Baltimore County Office of Planning & Zoning, dated April 29, 1991.
2. Eagan shall restore the existing accessory structure substantially to the appearance of the structure as shown in Appellant Eagan's Exhibit No. 2 which Exhibit was admitted in evidence herein.

Case No. 91-325-SPHXA Eagan Enterprises, Inc.

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3. Eagan shall proceed with the hearing to place the existing accessory structure on the County Final Landmarks List.
4. Eagan shall use best efforts to obtain a variance from the road widening and watercourse relocation requirements of the Maryland State Highway Administration.
5. The use of the existing structure shall be limited to use as an Antique Shop as granted herein.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS  
OF BALTIMORE COUNTY

C. William Clark, Acting Chairman

John G. Disney

Judson H. Lipowitz

IN RE: PETITIONS FOR SPECIAL HEARING \* BEFORE THE  
SPECIAL EXCEPTION & VARIANCE \* ZONING COMMISSIONER  
W/S York Road, 320 ft. S of \*  
c/l of Stoddard Court \* OF BALTIMORE COUNTY  
14828 York Road \*  
8th Election District \* CASE # 91-325-SPHXA  
3rd Councilmanic District \*  
Eagan Enterprises, Inc. \*  
Petitioner \*\*\*\*\*

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

The Petitioner herein requests, pursuant to the Petition for Special Exception, permission to use the herein described property for an antique shop in an R.C.4 zone pursuant to Section 402.B. of the Baltimore County Zoning Regulations (B.C.Z.R.); a Petition for Special Hearing to approve an amendment to the FDP of "Stoddard" permitting the removal of 1.0 acre +/- area from Lot 14 and from the overall density calculations for the "Stoddard" FDP, all as more particularly shown on the Plat submitted herewith, and for the use, subject to a pending Petition for Special Exception, of said 1.0 acre +/- area and the existing accessory structure located thereon (formerly a dwelling) as an Antique Shop; a Petition for Zoning Variance from Section 400.3 of the B.C.Z.R. to permit an existing accessory structure with a height of 20 ft. +/- in lieu of the 15 ft. maximum height permitted, as indicated on Petitioner's Exhibit No. 1.

The Petitioner, by Michael Eagan, appeared, testified and was represented by Howard L. Alderman, Jr., Esquire. Also appearing on behalf of the Petition was James Grammer. Appearing as an interested was Paul Hupfer. There were no Protestants.

Proffered testimony indicated that the Petitioner is desirous of using the subject vacant dwelling for an antique shop. Testimony indicated that the subject structure is a historic dwelling originally built by Quakers that settled in this area.

Section 402.B.1 of the B.C.Z.R. clearly permits antique shops in R.C.4 zones by special exception provided certain conditions are met. Section 402.B.1 reads as follows:

402B.1--An antique shop may be allowed, by special exception, in an R.C.2, R.C.4, R.C.5, D.R. 1, or D.R.2 zone only outside the Urban-Rural Demarcation Line and only on a lot no smaller than 1 acre; in a D.R. 16 zone, an antique shop is allowable only in a building originally constructed as a one-family dwelling that is situated on a lot with frontage on a Class I or Class II commercial motorway or in a historic district so designated by the National Register of Historic Places or the final landmarks list of the Baltimore County Landmarks Preservation Commission. (Bill No. 31, 1978)

Clearly, the B.C.Z.R. permits the use proposed in an R.C.4 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A2d 1319 (1981). The proposed use will not be detrimental to the health, safety or general welfare of the locality, nor tend to create congestion in roads,

streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

Testimony also indicated that the Petitioner may wish to subdivide this property in the foreseeable future for the purpose of constructing a single family dwelling on this parcel. Should the Petitioner decide to subdivide this property, it shall provide an area of at least one acre to support the subject antique shop, said one acre being that acre specifically indicated by the lease line on Petitioner's Exhibit No. 1.

The Petitioner has also requested the aforementioned Petition for Special Hearing that requests, among other relief, for permission to maintain the existing structure as an "accessory structure". Clearly, the existing dwelling is not an "accessory structure", as it is the only primary structure on the property and, therefore, will not be granted as such. However, in consideration of the special exception discussed above and the fact that the requested special hearing relief otherwise fulfills the spirit and intent of Section 502.1, the special hearing relief will be granted absent the "accessory" language contained therein.

The Petitioner has also requested the aforementioned variance relief. Inasmuch as the special exception has been granted, and the accessory language deleted from the special hearing relief, the variance relief has been rendered moot and therefore should be dismissed.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted, in part.

IT IS THEREFORE ORDERED by the Zoning Commissioner for Baltimore County, this 14th day of June, 1991 that the Petition for Special Exception

# GENERAL NOTES

1. Existing zoning of site - RC-4
2. Councilmanic District - 3
3. Sheet 2 of 2, attached hereto, was prepared by Kilde Consultants, Inc. It has been amended by McKee & Associates, Inc. to show additional information required for the requested zoning hearings only.
4. The CRG plan for this property was approved August 25, 1988. Public services CRG #88129, Planning No. VIII 528.
5. The final development plan was approved March 2, 1989.
6. Owner/developer of "Stoddard":  
Manor Properties, Inc.  
25 Glen Alpine Road  
Phoenix, Maryland 21137  
301-592-7493
7. Owner of Lot 14:  
Eagan Enterprises, Inc.  
P. O. Box 438  
Monkton, Maryland 21111  
301-343-0042
8. Lots 3, 6, 7, 8, 9, 11, 13, & 14 within Stoddard (S.M.60/29) have been sold.
9. The existing accessory structure on Lot 14 shall not be used as a residence.
10. The proposed use complies with Zoning Commissioner's Policy RM-22.
11. No display or storage of merchandise shall be visible from any public street in accordance with BC2R 402B.2

## REQUESTED HEARINGS

### REQUESTED SPECIAL HEARING

Requesting a special hearing to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an Amendment to the Final Development Plan (FDP) of "Stoddard" permitting the removal of a 1.0 acre ± area from Lot 14 and from the overall density calculations for the "Stoddard" FDP, all as more particularly shown on the Plats submitted herewith, and for the use, subject to a pending Petition for Special Exception, of said 1.0 acre ± area and the existing accessory structure located thereon (formerly a dwelling) as an Antique Shop.

### REQUESTED SPECIAL EXCEPTION

Requesting a special exception to use the herein described property for an antique shop in a residential zone pursuant BC2R Section 402B.

### REQUESTED VARIANCE

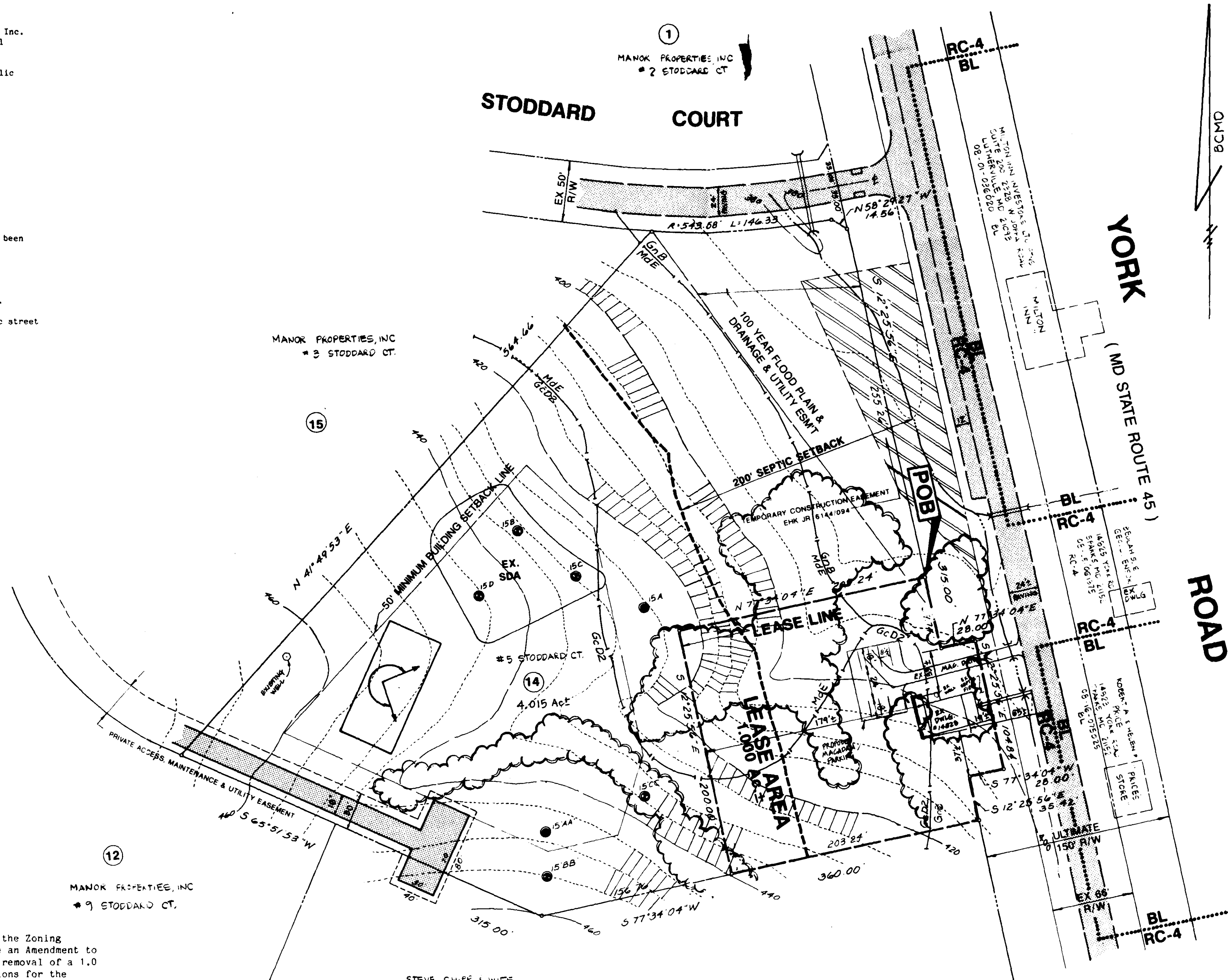
Requesting a variance from Section 400.3 to permit an existing accessory structure with a height of 20 feet ± in lieu of the 15 feet maximum height permitted.

## McKEE & ASSOCIATES, INC.

Engineering - Surveying - Real Estate Development  
SHAWAN PLACE, 5 SHAWAN ROAD HUNT VALLEY, MARYLAND 21030  
(301) 527-1555

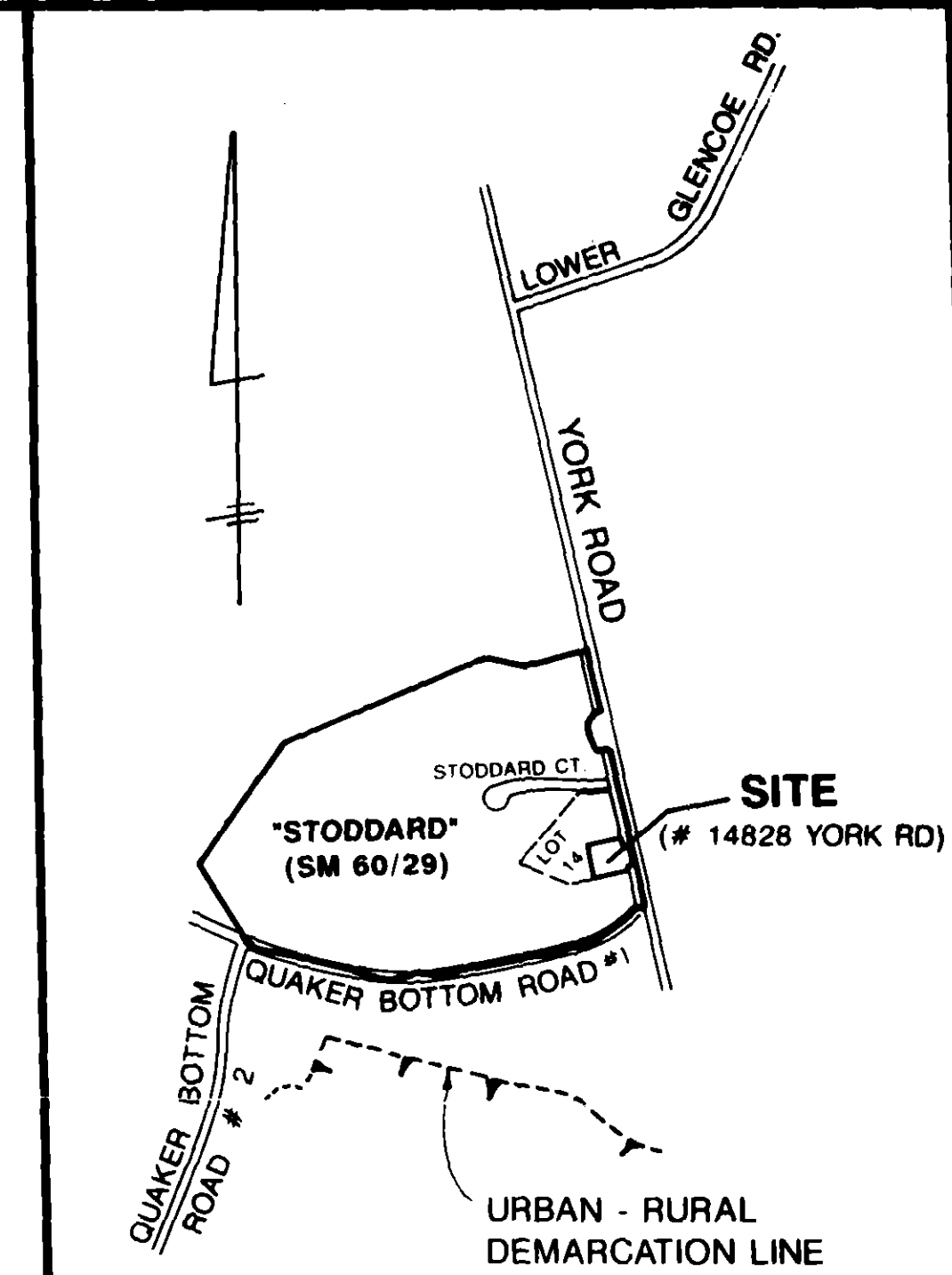
Computed by: JDG, LJP  
Drawn by: JDG  
Checked by: JDG  
Job Number: 91-13

James W. McKee Date  
(Maryland Registered No. 9012)



## DETAIL

(SCALE: 1"=30')



## VICINITY MAP

(SCALE: 1" = 1000')

## AMENDED DENSITY NOTES

Gross area of parcel	78.60 Ac.
Net area of parcel	77.60 Ac.
Area of Lot 14 lease area (14828 York Road)	1.00 Ac. ±
Net area of parcel (-) Lot 14 lease area	76.60 Ac. ±
Dwelling units permitted 0.2 dwelling units/acre x 76.60 Ac. =	15.32
Dwelling units proposed	15
Parking spaces required and proposed (RESIDENTIAL)	2 per lot

\* PARKING REQUIRED FOR ANTIQUE SHOP:  
1675.03 SF @ 55/1000 SF = 9 SPACES  
PARKING PROVIDED - 9 SPACES (INCL. 1 HANDICAPPED)

## PLAT TO ACCOMPANY PETITIONS FOR SPECIAL HEARING, SPECIAL EXCEPTION, AND VARIANCE REQUESTS

AT

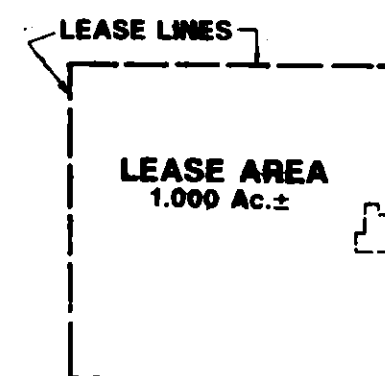
## # 14828 YORK ROAD

8TH ELECTION DISTRICT BALTO. COUNTY, MD  
SCALE: 1" = 50' PETITIONER'S EXHIBIT 1  
JANUARY 23, 1991

SHEET 1 OF 2

91-325-SPHXA

#298



POB

PLAT TO ACCOMPANY PETITIONS  
FOR SPECIAL HEARING, SPECIAL EXCEPTION,  
AND VARIANCE REQUESTS

AT

#14828 YORK ROAD

SHEET 2 OF 2

SIGNED & SEALED BY  
JAMES W. MCKEE  
MD REG. No. 9012

MCKEE & ASSOCIATES, INC.  
SHAWAN PLACE 5 SHAWAN ROAD  
HUNT VALLEY, MD 21030  
PHONE (301) 527-1555

PETITIONER'S  
EXHIBIT 2

91-325-  
SPHXA



for permission to use the herein described property for an antique shop in an R.C.4 zone, pursuant to Section 402.B., of the Baltimore County Zoning Regulations (B.C.Z.R.), is hereby GRANTED; and,  
IT IS FURTHER ORDERED that the Petition for Zoning Variance is hereby DISMISSED; and,

IT IS FURTHER ORDERED that the Petition for Special Hearing, insofar as it requests "accessory structure" relief, is hereby DENIED; and,

IT IS FURTHER ORDERED that the request for the Petition for Special Hearing for approval of an amendment to the FDP of "Stoddard" permitting the removal of 1.0 acre +/- area from Lot 14 and from the overall density calculations for the "Stoddard" FDP; and, for the use, subject to a pending Petition for Special Exception, of said 1.0 acre +/- area and the existing structure located thereon (formerly a dwelling) as an Antique Shop, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. At such time as Petitioner decides to subdivide the herein described parcel, he shall submit a new development plan clearly indicating that the one acre parcel created by the lease lines on Petitioner's Exhibit No. 1 has been removed from the gross area of the subject site (78.6 acres +/-) for the purpose of supporting the antique shop use.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner for  
Baltimore County

JRH:mmm

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## PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.3 to permit an existing accessory structure with a height of 20 feet +/- in lieu of the 15 feet maximum height permitted.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

1. Subject structure is an existing structure; Petitioner, a recent purchaser thereof, has not made any alterations or modifications to height.
2. Such other reasons as will be presented at the requested hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Legal Owner(s): \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
Howard L. Alderman, Jr.  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney's Telephone No.: 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 13 day of Feb, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of April, 1991, at 9:30 o'clock A.M.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

(over)

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

June 12, 1991

Howard L. Alderman, Jr., Esquire  
Levin and Gann, P.A.  
Suite 113, 305 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 91-325-SPHXA  
Petitions for Special Hearing, Special Exception and Zoning Variance  
Eagan Enterprises, Inc., Petitioner

Dear Mr. Alderman:

Enclosed please find the decision rendered in the above captioned case. The Petitions for Special Hearing, Special Exception and Zoning Variance have been granted in part, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:mmm  
cc: Peoples Counsel  
cc: Michael Eagan

## PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve an Amendment to the Final Development Plan (FDP) of "Stoddard" permitting the removal of a 1.0 acre +/- area from Lot 14 and from the overall density calculations for the "Stoddard" FDP, all as more particularly shown on the Plat submitted herewith, and for the use, subject to a pending Petition for Special Exception, of said 1.0 acre +/- area and the existing accessory structure located thereon (formerly a dwelling) as an Antique Shop.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Legal Owner(s): \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
Howard L. Alderman, Jr.  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney's Telephone No.: 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 13 day of Feb, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of April, 1991, at 9:30 o'clock A.M.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

ECO-No.1

(over)

ORDER RECEIVED FOR FILING

By \_\_\_\_\_

## PETITION FOR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an Antique Shop in a residential zone pursuant to BCZR Section 402B.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Legal Owner(s): \_\_\_\_\_  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney for Petitioner: \_\_\_\_\_  
Howard L. Alderman, Jr.  
(Type or Print Name)  
Signature \_\_\_\_\_  
Address \_\_\_\_\_  
City and State \_\_\_\_\_

Attorney's Telephone No.: 321-0600

ORDERED By The Zoning Commissioner of Baltimore County, this 13 day of Feb, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 18 day of April, 1991, at 9:30 o'clock A.M.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

ECO-No.1

(over)

## CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 8th Date of Posting: March 14, 1991  
Posted for: Special Exception, Special Hearing, Variance  
Petitioner: Eagan Enterprises, Inc.  
Location of property: 145 York Road, 320 S. of W. Stoddard Court  
14828 York Road  
Location of signs: West side of York Road, in front of subject property  
Remarks: \_\_\_\_\_  
Posted by: S. J. Watson Date of return: March 15, 1991  
Number of Signs: 3

## CERTIFICATE OF PUBLICATION

TOWSON, MD.

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-20-1991.

TOWSON TIMES,

*S. Zake Orlan*  
S. ZAKE ORLAN  
Publisher

112-39

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by and through the Zoning Act and Regulations of Baltimore County, is hereby giving notice of a public hearing on the property identified in the description and plat attached hereto and made a part hereof, to be held at the County Office Building, located at 106 County Office Building, in Towson, Maryland 21204, on the following date:  
Case Number: 91-325-SPHXA  
Hearing Date: Thursday, April 18, 1991 at 9:30 A.M.  
Special Exception for an antique shop in a residential zone.  
Special Hearing to approve an amendment to the Final Development Plan of "Stoddard" permitting the removal of a 1.0 acre +/- area from Lot 14 and from the overall density calculations for the "Stoddard" FDP, all as more particularly shown on the Plat submitted herewith, and for the use, subject to a pending Petition for Special Exception, of said 1.0 acre +/- area and the existing accessory structure located thereon (formerly a dwelling) as an Antique Shop.  
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for an Antique Shop in a residential zone pursuant to BCZR Section 402B.

J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TT-0013-158 Mar 30

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case number: 91-325-SPHX  
W/S York Road, 320' S of c/l Stoddard Court  
14628 York Road  
8th Election District  
3rd Councilmanic District  
Egan Enterprises, Inc.  
Hearing Date: Thursday, April 18, 1991 at 9:30 a.m.  
Special Exception: for an antique shop in a residential zone.  
Special Hearing: to approve an amendment to the Final Development Plan of "Stoddard" permitting the removal of a 1.0 acre (v/v) area from lot 14 and from the overall density calculations and for the use, subject to a pending petition for special exception, of said 1.0 acre (v/v) area and the existing accessory structure located thereon (formerly a dwelling) as an antique shop.  
Petitioner(s): Egan Enterprises, Inc.  
Hearing: THURSDAY, APRIL 18, 1991 at 9:30 a.m.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
TT-Jeff-158 Mar 20

# CERTIFICATE OF PUBLICATION

TOWSON, MD. 3-26-91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3-20-91

THE JEFFERSONIAN,

S. Zabe Publisher

\$112.39



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

receipt

Date

Please Make Checks Payable To: Baltimore County



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

receipt

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

receipt

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

receipt

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation



Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R 001-6150  
Number

receipt

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

# CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

Date of Posting: 3-26-91

District: 8th  
Posted for: Egan Enterprises, Inc.  
Petitioner: Egan Enterprises, Inc.  
Location of property: 14628 York Road, 8th Election District, 3rd Councilmanic District  
Location of Signs: 14628 York Road, 8th Election District, 3rd Councilmanic District  
Remarks: Special Exception for an antique shop in a residential zone.  
Posted by: J. Robert Haines  
Number of Signs: 1

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

DATE: 4-5-91

Egan Enterprises, Inc.  
P. O. Box 438  
Monkton, Maryland 21111

RE:  
Case Number: 91-325-SPHX  
W/S York Road, 320' S of c/l Stoddard Court  
14628 York Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Egan Enterprises, Inc.  
HEARING: THURSDAY, APRIL 18, 1991 at 9:30 a.m.

Dear Petitioner(s):

Please be advised that \$ 187.39 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland Fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner  
BALTIMORE COUNTY, MARYLAND

cc: Howard L. Alderman, Jr., Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

February 26, 1991

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-325-SPHX  
W/S York Road, 320' S of c/l Stoddard Court  
14628 York Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Egan Enterprises, Inc.  
HEARING: THURSDAY, APRIL 18, 1991 at 9:30 a.m.

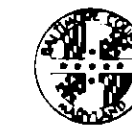
Special Exception for an antique shop in a residential zone.  
Special Hearing to approve an amendment to the Final Development Plan of "Stoddard" permitting the removal of a 1.0 acre (v/v) area from lot 14 and from the overall density calculations and for the use, subject to a pending petition for special exception, of said 1.0 acre (v/v) area and the existing accessory structure located thereon (formerly a dwelling) as an antique shop.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Egan Enterprises, Inc.  
Howard L. Alderman, Jr., Esq.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

February 26, 1991

## NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-325-SPHX  
W/S York Road, 320' S of c/l Stoddard Court  
14628 York Road  
8th Election District - 3rd Councilmanic  
Petitioner(s): Egan Enterprises, Inc.  
HEARING: THURSDAY, APRIL 18, 1991 at 9:30 a.m.

Special Exception for an antique shop in a residential zone.  
Special Hearing to approve an amendment to the Final Development Plan of "Stoddard" permitting the removal of a 1.0 acre (v/v) area from lot 14 and from the overall density calculations and for the use, subject to a pending petition for special exception, of said 1.0 acre (v/v) area and the existing accessory structure located thereon (formerly a dwelling) as an antique shop. Variance to permit an existing accessory structure with a height of 20 ft. (more or less) in lieu of 15 ft. maximum height permitted.

J. Robert Haines

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

cc: Egan Enterprises, Inc.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning



111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

April 3, 1991

Howard L. Alderman, Esquire  
Levin & Gann, P.A.  
Suite 113, 305 W. Pennsylvania  
Baltimore, MD 21237

RE: Item No. 298, Case No. 91-325-SPHX  
Petitioner: Egan Enterprises, et al  
Petition for Zoning Variance,  
Special Exception and Special Hearing

Dear Mr. Alderman:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer

JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Michael Egan  
Egan Enterprises, Inc.  
P.O. Box 438  
Monkton, MD 21111





111 West Chesapeake Avenue  
Towson, MD 21204

887-3554

Your petition has been received and accepted for filing this  
13th day of February, 1991.

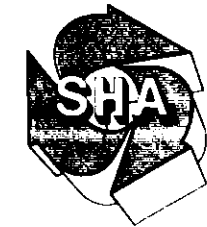
*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

Petitioner: Egan Enterprises, Inc., et al

Petitioner's Attorney: Howard L. Alderman



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

February 11, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: Baltimore County  
Egan Enterprises, Inc.  
Zoning Meeting of 2-12-91  
878 York Road (MD 45)  
320' South of  
Stoddard Court  
(Item #298)

Dear Mr. Haines:

We have received the submittal for a special exception for  
an antique shop in a residential zone and have the following  
comment.

We have forwarded this plan to our Project Development  
Section for review concerning any impact to this property from  
our proposed York Road improvements.

Once their comments are received, we will forward a revised  
plan showing right-of-way, and entrance and highway widening  
requirements for this property.

We are requesting the developer submit two additional copies  
of this plan to our office for review.

If we can be of further assistance, please contact Larry  
Brocato of this office at (301) 333-1350.

Very truly yours,

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

LB:mas

cc: McKee & Assoc., Inc.  
Mr. J. Ogle

My telephone number is 333-1350 (Fax #333-1041).

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717



401 Bosley Avenue, Suite 405  
Towson, MD 21204

887-3554  
Fax 887-5784

February 15, 1991

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 289,  
291, 293, 295, 298, 303, 304, 306, 308 and 309.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Associate II

MSF/lvd

received  
3/7/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 2, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Egan Enterprises, Inc., Item No. 298

In reference to the petitioner's requested Special Exception,  
staff offers the following comments:

The office supports this request in order to protect and foster  
the adaptive reuse of a historic structure providing the following  
conditions are met:

1. The owner shall petition to submit site to Baltimore County  
Landmarks list; and
2. Restore the structure to its authentic past appearance and  
prior to permit submit plans to Landmark Preservation  
Commission for approval.

If there should be any further questions or if this office can  
provide additional information, please contact Jeffrey Long in the  
Office of Planning at 887-3211.

PK/JL/cmm

ITEM298/ZAC1

received  
4/4/91



700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

FEBRUARY 6, 1991

(301) 887-4500

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: EAGAN ENTERPRISES, INC.

Location: #14828 YORK ROAD

Item No.: 298 Zoning Agenda: FEBRUARY 12, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site  
shall comply with all applicable requirements of the National Fire  
Protection Association Standard No. 101 "Life Safety Code", 1988  
edition prior to occupancy.

REVIEWER: *John J. Kelly* 4-5-91 Approved: *John J. Kelly*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEX

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 2, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Egan Enterprises, Inc., Item No. 298  
REVISED COMMENT

On April 25, 1991, Wally Lippincott and Jeffrey Long of the  
Office of Planning and Zoning met with Jim Grammer, an associate of  
McKee & Associates, Inc.; Mike Egan, the petitioner; and Jeffrey  
Wolinsky of the Department of Environmental Protection and Resource  
Management to discuss a reduction in the number of parking spaces,  
and the use of a gravel surface driveway in lieu of a paved surface  
at the subject property.

Since the above-mentioned relief was not a part of the original  
petition, the Director of Planning's approval is necessary.

Based upon the information presented at the meeting, this office  
supports the applicant's amended request subject to the following:

A landscape plan shall be developed based upon input from the  
Department of Environmental Protection and Resource Management  
and the Office of Planning and Zoning. Subsequent to approval  
by the Deputy Director of the Office of Planning, the landscape  
plan shall be submitted to the Zoning Office so that the plan  
can become a part of the official file.

If there should be any further questions or if this office can  
provide additional information, please contact Jeffrey Long in the  
Office of Planning at 887-3211.

PK/JL/cmm  
cc: James D. Grammer, McKee & Associates, Inc.  
Michael Egan, Egan Enterprises, Inc.  
Howard L. Alderman, Jr., Levin & Gann, P.A.  
Paul Hupfer, Greater Sparks-Glencoe Community Council  
Jeffrey Wolinsky, Department of Environmental Protection and  
Resource Management

ITEM298/ZAC1

received  
4/29/91

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: February 8, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for February 12, 1991

The Developers Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 291, 293, 303, 304, 306, 308 and 309.

For Item 295, the previous County Review Group Comments  
are still applicable. The Developer is cautioned that no  
permanent type construction is allowed over a County utility  
easement.

For Item 289, this site is subject to comments by the  
Maryland State Highway Administration.

For Item 298, the previous County Review Group comments  
are still applicable.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION AND RESOURCE MANAGEMENT

Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Zoning Item # 298, Zoning Advisory Committee Meeting of 2/12/91

Property Owner: Egan Enterprises, Inc.

Location: 14828 York Rd. District: 8

Water Supply: private Sewage Disposal: private

COMMENTS ARE AS FOLLOWS:

- ( ) Prior to approval of a Building Permit for construction, renovation and/or installation of equipment  
for any existing or proposed food service facility, complete plans and specifications must be submitted  
to the Plans Review Section, Bureau of Regional Community Services, for final review and approval.
- ( ) Prior to new installation(s) of fuel burning equipment, the owner shall contact the Bureau of Air Quality  
Management, 887-3775, to obtain requirements for such installation(s) before work begins.
- ( ) A permit to construct from the Bureau of Quality Management is required for such items as spray paint  
processes, underground gasoline storage tank(s) (5,000 gallons or less) and any other equipment or  
process which exhausts into the atmosphere.
- ( ) A permit to construct from the Bureau of Air Quality Management is required for any diesel engine generation  
which has a total cooling surface area of five (5) square feet or more.
- ( ) Prior to approval of a Building Permit Application for renovations to existing or construction of new  
health care facilities, complete plans and specifications of the building, food service area and type  
of equipment to be used for the food service operation must be submitted to the Plans Review and Approval  
Section, Division of Engineering and Maintenance, State Department of Health and Mental Hygiene for  
review and approval.
- ( ) Prior to any new construction or substantial alteration of public swimming pool, wading pool, bathhouse,  
sauna, whirlpool, hot tub, and/or other aquatic facilities, the owner must submit to the Bureau of  
Health and Safety, two (2) copies of plans and specifications must be submitted to the Baltimore County Department  
of Environmental Protection and Resource Management for review and approval. For more complete information,  
contact the Water Quality Monitoring Section, Bureau of Regional Community Services, 681-600 x 315.
- ( ) Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations.  
For more complete information, contact the Division of Maternal and Child Health.
- ( ) If lubrication work and oil changes are performed at this location, the method providing for the elimination  
of waste oil must be in accordance with the State Department of the Environment.
- ( ) Prior to razing of existing structure(s), petitioners must contact the Division of State Management  
at 887-3265, regarding removal and/or disposal of potentially hazardous materials and solid wastes.  
Petitioner must contact the Bureau of Air Quality Management regarding removal of asbestos, 887-3775.
- ( ) Any abandoned underground storage tanks containing gasoline, waste oil, solvents, etc., must have the  
contents removed by a licensed hauler and tank removed from the property or properly installed. Prior  
to removal or abandonment, owner must contact the Division of Waste Management at 887-3265.
- ( ) Soil percolation tests, have been \_\_\_\_\_, must be \_\_\_\_\_ completed.
- ( ) The results are valid until \_\_\_\_\_.
- ( ) Soil percolation test results have "expired." Petitioner should contact the Division of State  
and Soils to determine whether additional tests are required.
- ( ) Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore  
County standards must be drilled.
- ( ) In accordance with Section 12-117 of the Baltimore County Code, the water well yield test  
( ) shall be valid until \_\_\_\_\_.
- ( ) As an applicant for a water well, this well must be approved prior to occupancy of property  
and approval of Building Permit Application.
- ( ) Prior to occupancy approval, the reliability of the water supply must be verified by collection of bacterio-  
logical and chemical water samples.
- ( ) If submission of plans to the County Review Group is required, a Hydrogeological Study and an Environmental  
Effects Report must be submitted. For more information contact the Division of Environmental Management  
at 887-3080.
- ( ) In order to subdivide this property, the owner or developer will be required to comply with the subdivision  
regulations of the State of Maryland and Baltimore County. If there are any questions regarding the  
subdivision process, please contact the Land Development Section at 887-3262.
- (x) Other: County Disposal Section and water well survey  
must meet the requirements of Baltimore County Code and  
upon final subdivision of 5 lots will comply with

111 West Chesapeake Avenue  
Towson, MD 21204

July 15, 1991

887-3353

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception & Variance  
W/S York Road, 320 ft. S of c/l of Stoddard Court  
(14828 York Road)  
8th Election District, 3rd Councilmanic District  
EAGAN ENTERPRISES, INC. - Petitioner  
Case No. 91-325-SPHX

Dear Board:

Please be advised that a second appeal (Special Exception portion only) of the above-referenced case was filed in this office on July 15, 1991, by Paul A. Hupfer (Appeared as an interested party). All materials relative to the case were forwarded previously on July 2, 1991.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Michael Eagan, President - Eagan Enterprises, Inc.  
P.O. Box 438, Monkton, MD 21111

Howard L. Alderman, Jr., Esquire - Levin & Gann  
305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204

James D. Grammer - McKee & Associates  
5 Shawan Road, Hunt Valley, MD 21030

Paul Hupfer, President - Sparks-Glencoe Community Council  
P.O. Box 396, Sparks, Maryland 21152

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

111 West Chesapeake Avenue  
Towson, MD 21204

July 2, 1991

887-3353

Baltimore County Board of Appeals  
County Office Building, Room 315  
Towson, Maryland 21204

RE: Petition for Special Hearing, Special Exception & Variance  
W/S York Road, 320 ft. S of c/l of Stoddard Court  
(14828 York Road)  
8th Election District, 3rd Councilmanic District  
EAGAN ENTERPRISES, INC. - Petitioner  
Case No. 91-325-SPHX

Dear Board:

Please be advised that an appeal (Special Hearing and Variance portions only) of the above-referenced case was filed in this office on June 20, 1991, by Howard L. Alderman, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner

JRH:cer

Enclosures

cc: Michael Eagan, President - Eagan Enterprises, Inc.  
P.O. Box 438, Monkton, MD 21111

Howard L. Alderman, Jr., Esquire - Levin & Gann  
305 W. Chesapeake Avenue, Suite 113, Towson, MD 21204

James D. Grammer - McKee & Associates  
5 Shawan Road, Hunt Valley, MD 21030

Paul Hupfer, President - Sparks-Glencoe Community Council  
P.O. Box 396, Sparks, Maryland 21152

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

APPEAL

(Special Hearing and Variance portions only)  
Petition for Special Hearing, Special Exception & Variance  
W/S York Road, 320 ft. S of c/l of Stoddard Court  
(14828 York Road)  
8th Election District - 3rd Councilmanic District  
EAGAN ENTERPRISES, INC. - Petitioner  
Case No. 91-325-SPHX

Petitions for Special Hearing, Special Exception, & Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: 1. & 2. - Plat to accompany petitions

3. Letter of support from Stoddard Archit.

4. Historic Landmarks Information Form

5. Letter from Landmarks Preservation Comm.

6. Four Polaroid photos of house

7. One Polaroid photo of house

8. Drawing of house

Zoning Commissioner's Order dated June 14, 1991 (Denied in part; Granted with restrictions in part)

Notice of Appeal received June 20, 1991 from Howard L. Alderman, Attorney on behalf of the Petitioner.

People's Counsel of Baltimore County  
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning  
Patrick Keller, Office of Planning & Zoning  
J. Robert Haines, Zoning Commissioner  
Ann M. Nastarowicz, Deputy Zoning Commissioner  
James E. Dyer, Zoning Supervisor  
W. Carl Richards, Jr., Zoning Coordinator  
Docket Clerk  
Arnold Jablon, Chief Deputy County Attorney  
Public Services



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

Hearing Room -  
Room 301, County Office Bldg. August 6, 1991

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-325-SPHX EAGAN ENTERPRISES, INC.  
W/S York Road, 320' S of c/l of Stoddard Court (14828 York Road)  
8th Election; 3rd Councilmanic Districts

SE - antique shop in R.C. 4 zone;  
SPH - approve amendment to FDP of "Stoddard" and for use of area and existing structure as antique shop;  
VAR - height of existing structure

6/14/91 - Z.C.'s decision in which Petitions were GRANTED in part and DENIED in part.

ASSIGNED FOR: FRIDAY, SEPTEMBER 13, 1991 at 11:30 a.m.

cc: Michael Eagan, President Petitioner/Appellant  
Eagan Enterprises, Inc. Counsel for  
Howard L. Alderman, Jr., Esq. Petitioner/Appellant  
Paul Hupfer, President Protestant/Appellant  
Mr. James D. Grammer McKee & Associates  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
Public Services  
J. Robert Haines  
Timothy M. Kotroco  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning Administration

Kathleen C. Weidenhammer  
Administrative Assistant



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

September 20, 1991

Howard L. Alderman, Jr., Esquire  
LEVIN & GANN, P.A.  
Suite 113  
305 W. Chesapeake Avenue  
Towson, MD 21204

RE: Case 91-325-SPHX  
Eagan Enterprises, Inc.

Dear Mr. Alderman:

Enclosed please find a copy of the Consent Order issued this date by the County Board of Appeals of Baltimore County in the subject matter.

Sincerely,

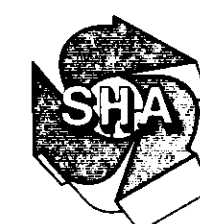
*Kathleen C. Weidenhammer*  
Kathleen C. Weidenhammer  
Administrative Assistant

encl.

cc: Michael Eagan, President  
Eagan Enterprises, Inc.  
J. Carroll Holzer, Esquire  
Paul A. Hupfer, President  
Sparks-Glencoe Community Council  
James D. Grammer / McKee & Associates  
P. David Fields  
Pat Keller  
J. Robert Haines  
Timothy M. Kotroco  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning Administration

8/06/91 - Following parties notified of hearing set for Friday, September 13, 1991 at 11:30 a.m.:

Michael Eagan, President  
Eagan Enterprises, Inc.  
Howard L. Alderman, Jr., Esq.  
Paul Hupfer, President  
Mr. James D. Grammer / McKee & Associates  
People's Counsel for Baltimore County  
P. David Fields  
Pat Keller  
Public Services  
J. Robert Haines  
Timothy M. Kotroco  
James E. Dyer  
W. Carl Richards, Jr.  
Docket Clerk - Zoning  
Arnold Jablon, Director of Zoning Administration



Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

April 17, 1991

Mr. J. Robert Haines  
Baltimore County  
County Office Building  
Towson, Maryland 21204  
Attn: Mr. James Dyer

Re: Baltimore County  
Eagan Enterprises, Inc.  
Zoning Meeting of 2-12-91  
W/S York Road (MD 45)  
320' South of  
Stoddard Court  
(Item #298)

Dear Mr. Haines:

This is a follow up to our letter of February 11th concerning any impact to this property from our future York Road Highway Project.

All work for our project will be accomplished within the right-of-way established for the "Stoddard Subdivision". Therefore, we will require no additional right-of-way from this property.

However, we will require highway improvements along York Road in connection with this proposed antique shop. We have enclosed a revised plan showing required improvements.

All work within SHA right-of-way must be accomplished under an access permit issued by our office prior to issuance of building permits.

If we can be of further assistance, please contact Larry Brocato of this office at 333-1350.

Very truly yours,

*John Contestabile*  
John Contestabile, Chief  
Engineering Access Permits  
Division

LB:maw

cc: McKee & Assoc., Inc. (w-enclosure)  
Mr. J. Ogle (w-enclosure)

received  
4/25/91

My telephone number is 301-333-1350 (Fax #333-1041)

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 585-0451 D.C. Metro - 1-800-492-5088 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE OFFICE  
MERCANTILE BANK BUILDING  
111 W. CHESAPEAKE AVENUE  
TOWSON, MARYLAND 21204  
(301) 887-3180

LAW OFFICES  
LEVIN & GANN

305 W. CHESAPEAKE AVENUE  
SUITE 113  
TOWSON, MARYLAND 21204  
(301) 887-3180

ELLEN LEVIN (883-1060)

CARROLL COUNTY OFFICE  
1117 LIBERTY ROAD  
CIVILVILLE, MD 21034

HOWARD L. ALDERMAN, JR.

June 19, 1991

HAND-DELIVERED

William T. Hackett, Chairman  
County Board of Appeals of Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Limited Appeal of Zoning Decision  
Case No. 91-325-SPHX  
Request for Early Hearing

Dear Chairman Hackett:

Enclosed is a copy of the notice of appeal filed with Commissioner Haines in the above-referenced case. The Greater Sparks-Glencoe Community Council appeared at the hearing in support of the relief requested by the Petitioner, subject to certain conditions. The Commissioner failed to grant the relief requested; our request was structured to comply with existing, recorded covenants on the property. Moreover, the Commissioner failed to include the conditions of the Community to which the Petitioner had agreed.

I am therefore proposing that the Petitioner/Appellant and the Community enter into a written agreement and that, promptly after the statutory period of posting, a quick hearing be held where the necessary facts and the agreement between the Petitioner and the Community can be put before the Board.

I look forward to your favorable consideration of this proposal, assuming that it is completely acceptable to the Community.

Very truly yours,  
*Howard L. Alderman, Jr.*  
Howard L. Alderman, Jr.

HLAjr/lis  
Enclosure  
cc: Eagan Enterprises, Inc.  
Mr. Paul A. Hupfer



LEVIN & GANN  
J. Robert Haines, Esquire  
Page 2  
June 19, 1991

HAND-DELIVERED

J. Robert Haines, Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Notice of Limited Appeal  
Case No.: 91-325-SPHXA

Dear Mr. Haines:

On behalf of Egan Enterprises, Inc., the Petitioner in the above-referenced case, an appeal to the following portions only of your Order dated June 14, 1991:

1. Denial of the "accessory structure" language contained in the Petition for Special Hearing;
2. Dismissal of the Variance requested; and
3. The restrictions contained, or failed to be contained, as conditions precedent to the relief granted in your Order, unrelated to the Special Exception relief.

The three (3) enumerated items above, represent the entire scope of the appeal taken hereby. Baltimore County Charter, Section 603; Dahl v. Board of Appeals, 258 Md. 157, 265 A.2d 227 (1970).

Our check in the amount of \$275.00 (\$125.00 for Variance Appeal, \$125.00 for Special Hearing Appeal, and \$25.00 for the

LEVIN & GANN, P.A.  
J. Robert Haines, Zoning Commissioner  
Page 2  
June 19, 1991

HLAJr/lis

Enclosure

cc: Egan Enterprises, Inc.  
William T. Hackett, Chairman  
Mr. Paul A. Huffer  
Mr. James Grammer

Very truly yours,

Howard L. Alderman, Jr.

LEVIN & GANN  
J. Robert Haines, Esquire  
Page 2  
August 23, 1991

Arnold Jablon, Director  
Office of Zoning Administration  
& Development Management  
111 West Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

RE: Copy of Zoning Tape Proceedings  
Case No.: 92-325-SPHXA

Dear Mr. Jablon:

I enclose herewith a check in the amount of \$15.00 for a copy of the taped proceedings before the Zoning Commissioner in Case No. 91-325-SPHXA. It would be most appreciated if a member of your staff could prepare this copy as soon as possible and call my office to advise as soon as it is ready to be picked up.

Should you need any further information in order to process this request please contact my office at your earliest convenience. Thank you for your cooperation in this matter.

Very truly yours,

Howard L. Alderman, Jr.

HLAJr/lis

Enclosure

RECEIVED  
AUG 28 1991  
ZONING OFFICE

LEVIN & GANN  
J. Robert Haines, Esquire  
Page 2  
May 1, 1991

HAND-DELIVERED

J. Robert Haines, Esquire  
Zoning Commissioner for Baltimore County  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Egan Enterprises, Inc.  
Case Number 91-325-SPHXA  
Accessory Use Definition (d)  
Revised Planning Comments

Dear Commissioner Haines:

At the conclusion of the hearing held on the above-referenced Petition, you inquired as to how the proposed Antique Shop would qualify with subsection (d) of the Accessory Use definition of the Baltimore County Zoning Regulations. As you may be aware, there is no relevant appellate authority on this subject.

I have enclosed herewith a copy of a memorandum prepared by Douglas Sandhaus, a law clerk in our office. Absent valid interpretative authority on the issue, the memorandum applies the analysis required by the BCZR. The analysis employs the use of Webster's Third New International Dictionary, a practice long recognized by your office (i.e. Case No. 89-464-A, Daniel G. Schuster, Inc., Petitioner).

I have also enclosed a copy of the revised comments from the Office of Planning and Zoning. The Director of Planning supports the modifications to the site plan proposed by the Greater Sparks-Glencoe Community Association subject to the conditions noted. The Petitioner has reviewed the conditions and agrees to be bound by them.

An order granting the relief and approvals petitioned, including all conditions agreed to by the Petitioner, should be issued. The Petitioner has met his burden. All concerned support the Petitioner and the approvals sought.

LEVIN & GANN, P.A.  
J. Robert Haines, Esquire  
Page 2  
May 1, 1991

Please call me should you desire any additional information relative to this matter. We will anxiously await your order.

Very truly yours,

Howard L. Alderman, Jr.

HLAJr/lis

Enclosures (2)

cc w/encl: Egan Enterprises, Inc.  
Mr. James Grammer

TSA GROUP, INC.  
planning • architecture • engineering • surveying

8480 Baltimore National Pike • Suite 418 • Ellicott City, Maryland 21043 • (301) 465-6105

July 29, 1991

County Board of Appeals  
Room 315  
County Office Building  
Towson, Maryland 21204

Re: 91-325

Dear Sirs:

Please notify me of the date for the above referenced public hearing.

Sincerely,

Steven Shipp  
500 Wingate Road  
Baltimore, Maryland 21210

GREATER SPARKS-GLENCoe COMMUNITY COUNCIL  
Post Office Box 396  
Sparks, Maryland 21152

April 17, 1990

J. Robert Haines  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204

RE: 91-325 SPH Item 298

The Greater Sparks Glencoe Community Council (GSGCC) has been involved with Mr. Egan regarding the referenced zoning issues since late 1990. After several discussions with Mr. Egan and representatives from OPZ, GSGCC is supportive in principal of the proposed modifications, special exception and variance. GSGCC supports the concept of recycling historic properties in general and is very interested in maintaining the historic nature and character of the Sparks area. This is the primary reason for our support of this proposal.

GSGCC does have some concerns related to the referenced zoning issues, however. They are the need to predicate any approvals on obtaining historic registration of the proposed site, the fact that an adequate definition of an antique shop does not exist, and the proposed parking area.

GSGCC understands that the Landmarks Commission will not decide on the status of this site until May 9, 1991. Any decisions prior to this determination could be premature unless those decisions are made contingent upon approval.

The fact that an adequate definition of an antique shop does not exist leads to a concern over potential future use of the property. GSGCC has proposed that a definition of this type of operation be established within the zoning regulations. Until this can be

accomplished, GSGCC believes that appropriate limiting language should be part of any special exception which is granted.

The parking area which has been proposed will tend to affect the rural and historic character of the site. The addition of that amount of impervious surface to this site would also have a negative impact on the adjacent stream. Therefore, GSGCC requests the a parking area which is smaller and more fitting of the nature of the site be considered.

GSGCC believes that the intended historic registration of this property and its restoration and use as an antique shop would benefit the Sparks area. Therefore, GSGCC supports this effort and would like to continue to participate in the detailed planning associated with the site.

Very truly yours,

JOHN G. LEONARD, JR.  
Zoning Committee Chairman

PAUL A. HUPPER  
President

cc: Landmarks Commission of Baltimore County

04:46 HW 12 TNC 16  
STANDARD 11/20/90




July 13, 1991

Mr. J. Robert Haines, Zoning Commissioner  
Baltimore County Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204

RE: Notice of Appeal-Limited  
Case No.: 91-325-SPHXA

The Greater Sparks Glencoe Community Inc., an interested party, is appealing your Order of June 14, 1991 in the above referenced case. Testimony for conditions presented by GSGCC at the hearing were not considered in your Order.

  
Paul A. Hupfer  
President

cc: Eagan Enterprises, Inc.  
Howard L. Alderman Jr.

TO: Howard L. Alderman, Jr., Esquire  
FROM: Douglas S. Sandhaus  
RE: Accessory Use or Structure  
CLIENT: Eagan Enterprises, #9464.01  
DATE: May 1, 1991

A use or structure which-(a) is customarily incident and subordinate to and serves a principal use or structure; (b) is subordinate in area, extent, or purpose to the principal use or structure; (c) is located on the same lot as the principal use or structure served; and (d) contributes to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure, except that, where specifically provided in the applicable regulations, accessory off-street parking need not be located on the same lot. An accessory building, as defined above, shall be considered an accessory structure. A trailer may be an accessory use or structure if hereinafter so specified. An ancillary use shall be considered as an accessory use, however, if the use, nature, extent, or location of the use, in combination" (with a service station) shall be considered a principal use).

In the present case, Eagan owns a historic structure which may be used as an antique shop providing said historic structure is accessory to the principle use, being a residence. The issue discussed herein is whether the antique shop would "[contribute] to the comfort, convenience, or necessity of occupants, business, or industry in the principal use or structure served," as such is

THIS RESTRICTIVE COVENANT AGREEMENT ("Agreement") is entered into this 27th day of August 1991, by and between EAGAN ENTERPRISES, INC., a Maryland corporation ("Eagan") and GREATER SPARKS-GLENCREE COMMUNITY COUNCIL INCORPORATED, a nonprofit Maryland Corporation and PAUL A. HUPFER, individually (collectively referred to herein as the "Community").

1. Eagan owns, in fee-simple, Lot 14 as shown on the subdivision and Record Plat of Stoddard as recorded among the Land Records of Baltimore County in Plat Book 60, Page 29 ("Property").
2. The Final Development Plan of Stoddard, prepared by Kiddle Consultants, Inc., dated November 2, 1988, was approved by Baltimore County.
3. Eagan desires to obtain a Special Exception for antique shop use of the existing, Landmark List Eligible building.
4. The Community recognizes the historic significance of the existing building on the Property and desires to see the building restored and added to the Landmarks list by the Baltimore County Landmarks Preservation Commission ("BCLPC").
5. Eagan sought approval of the Baltimore County Zoning Commissioner, in Case No. 91-325-SPHXA, for a height variance of 20 feet in lieu of the 15 foot maximum height permitted for the existing accessory building; for the use of the existing accessory building as an Antique Shop by way of Special Exception; and for relief pursuant to a Special Hearing to amend the Final Development

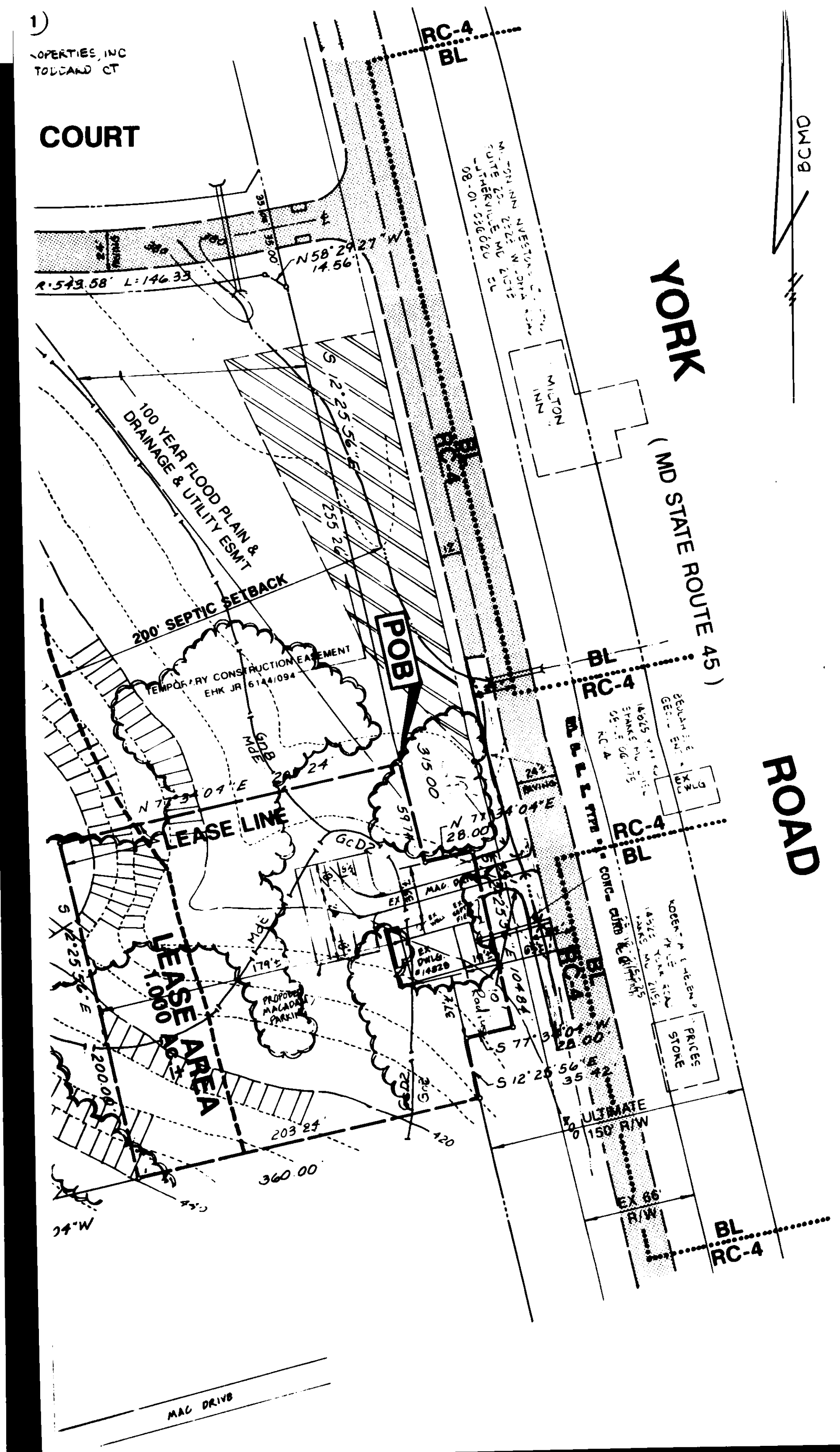
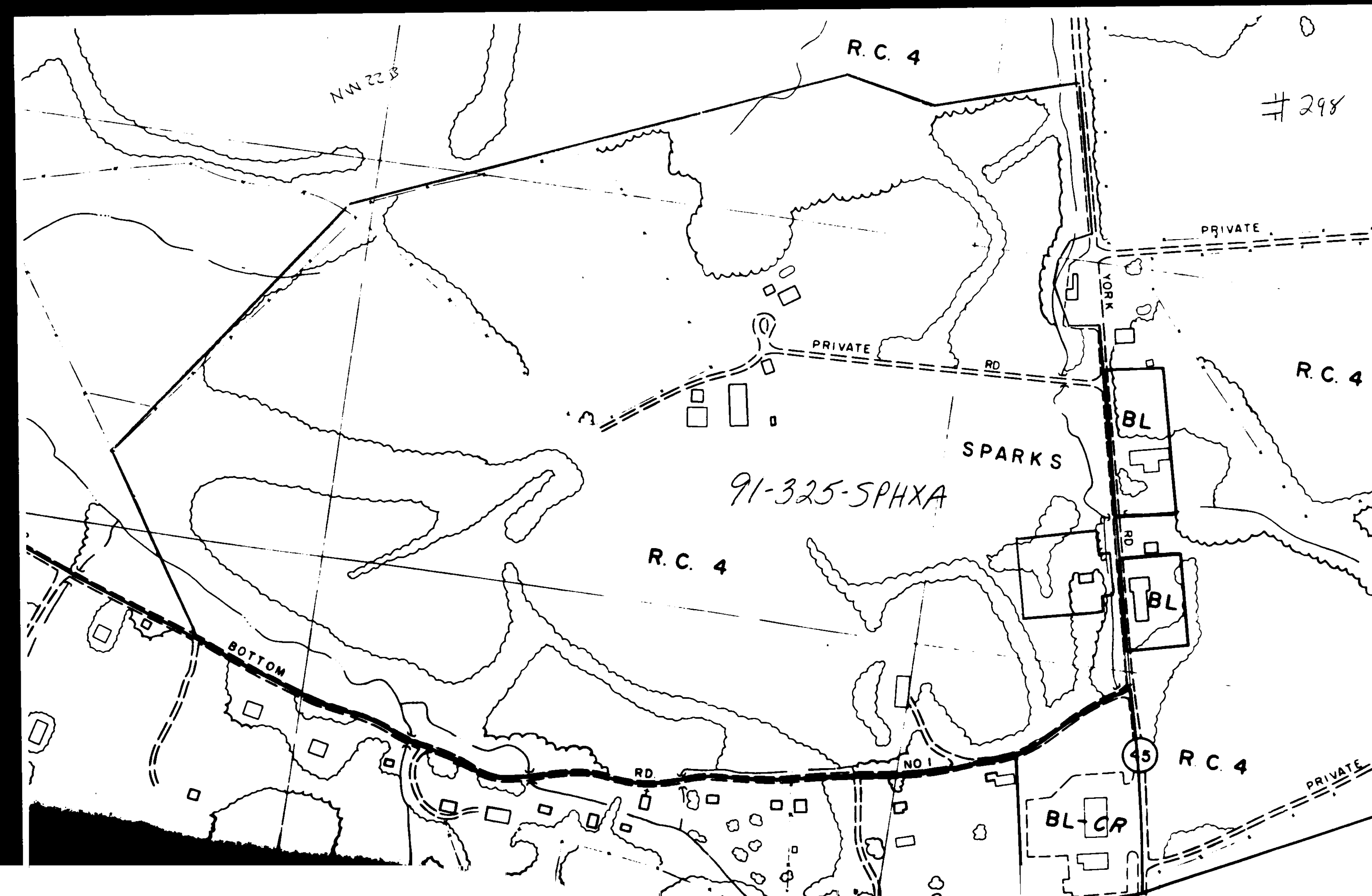
Page 1 of 9

NAME \_\_\_\_\_

John Eagan  
JAMES D. GRAMMER

**ADDRESS**

1230 Pinney Hill Rd  
mouk tou MD 21111  
40 MCKEE & ASSOCIATES  
5 SHAWAN RD HUNT VALLEY, MD 21030



BALTIMORE COUNTY HISTORIC LANDMARKS COMMISSION  
PRELIMINARY INFORMATION FORM

1. NAME OF LANDMARK: John Huff Tenney House

2. LOCATION: 14824 York Road  
No. and street  
Pikesville MD 21052  
City Zip Code Councilmanic District

3. CLASSIFICATION:

Category  
☒ Historic District  
☒ Building(s) might include but not be limited to dwelling, private meeting place, public building  
Structure(s) (Ex: bridges, gates, wall)  
Site (Ex: battleground or building now removed)  
Object (Ex: milestone)  
Other

Historic Use  
Historic Dwelling

Period  
Prehistoric  
1600-1699  
1700-1799  
1800-1899  
1900-

Present Use  
Agriculture  
Commercial  
Educational  
Entertainment  
Government  
Industrial  
Military  
Museum  
Park  
Private Residence  
Religious  
Scientific  
Transportation  
Other

Status  
☒ Occupied  
☒ Unoccupied  
☐ Work in progress

Accessible  
☒ Yes, restricted  
☒ Yes, unrestricted  
☐ No

Public Acquisition  
☐ In progress  
☒ Being considered

**PETITIONER'S EXHIBIT 4**  
91-325 SPHXA

**PETITIONER'S EXHIBIT 5**

October 26, 1990

91-325 SPHXA

Mr. Mike Eagan  
Egan Enterprises  
Post Office Box 438  
Monkton, MD 21111

Dear Mr. Eagan:

Your small stone house at Sparks (MHT Site No. BA 429) looks like the W. T. Heston house shown on J. C. Sidney's 1850 County map. Yet there is no Heston in the chain of title.

The house was shown as Mrs. Underwood's on the District 8 map in the G. M. Hopkins atlas of 1877. George W. Bromley's 1898 atlas showed T. T. Mays as owner. Thomas T. Mays had purchased the property from Mary E. Underwood in April 1894 for \$1,100 (Deeds LMB 205.11).

The land was originally surveyed under the name of "Price's Chance" and I suspect the ground remained in Price hands until 1834 when Mordecai Price sold a small parcel to Jacob Underwood (Deeds TK 245-86--Hall of Records). An Underwood house appeared on the 1850 map but seems to be opposite the Milton Inn rather than opposite Price's Store.

Jacob Underwood bought more land in 1860, ten years after his name appeared on Sidney's map. He acquired 5-1/4 acres along the turnpike from Josiah Price (Deeds GHC 31:173) and 1 acre, also on the turnpike, from Elias Matthews (Deeds GHC 31:177).

The house might date from the earliest purchase of land by Underwood in 1834. There were only fifteen stone houses in the entire Middle River Upper Hundred in the 1798 tax list; none of them were listed on the "Price's Chance" tract.

This house is lined up with the former turnpike road, which was laid out in 1808 to 1810; that is another reason for not expecting to find it in the 1798 tax list. At any rate, it is a pre-Victorian house design.

Petitioner's Exhibit 6



91-325 SPHXA



Petitioner's Exhibit 8

91-325 SPHXA

C. OFFUTT

County Board of Appeals  
Room 219, Court House  
Towson, Maryland 21204

91-325 SPHXA

Exhibit #1 -  
2C tape